

RECEIVED
CENTRAL FAX CENTER

FEB 28 2005

MARSHALL, GERSTEIN & BORUN LLP
ATTORNEYS AT LAW
6300 SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606-6357
(312) 474-6300
FAX: (312) 474-0448

02/28/2005

FACSIMILE TRANSMISSION SHEET

TO: Examiner H. Desai

United States Patent and
Trademark Office

703 872 9306

FROM: Russell C. Petersen

RE: 20022/38497A

PAGES (INCLUDING THIS PAGE): 6

Please see attached. Thank you.

If you do not receive all pages of this fax in good condition, please contact Susana Vasquez at (312) 474-6300.

This transmission contains confidential information intended only for the addressee. If you are not the addressee, any disclosure or use of this information by you is strictly prohibited. If you have received this facsimile in error, please notify us by telephone immediately.

FAX TRANSMISSION**DATE:** February 28, 2005**PTO IDENTIFIER:** Application Number 10/607,705
Patent Number**Inventor:** Spatafora**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (703) 872-9306**FROM:** MARSHALL, GERSTEIN & BORUN LLP
Russell C. Petersen**PHONE:** (312) 474-6300**Attorney Dkt. #:** 20022/38497A**PAGES (Including Cover Sheets):** 5**CONTENTS:** Transmittal (1 page)
Request to Withdraw Finality (2 pages)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (312) 474-6300 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300, Sears Tower, Chicago, Illinois 60606-6357
Telephone: (312) 474-6300 **Facsimile:** (312) 474-0448

PTO/SB/09-04;

Approved for use through 07/31/2008. OMB 0951-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

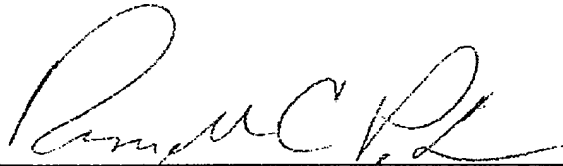
Application No. (if known): 10/607,705

Attorney Docket No.: 20022/38497A

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on February 28, 2005
Date



Signature

Russell C. Petersen

Typed or printed name of person signing Certificate

53,457

Registration Number, if applicable

(312) 474-6644

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

General Transmittal (1 page)

Request to Withdraw Finality (2 pages)

PTO/SB/21 (09-04)

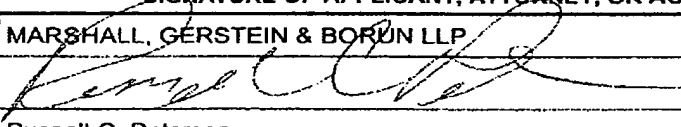
Approved for use through 07/31/2006. OMIB 0051-0031

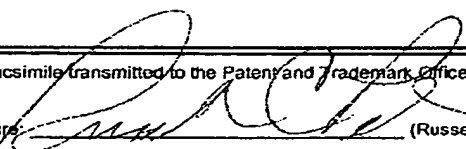
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/607,705-Conf. #7916
	Filing Date	June 27, 2003
	First Named Inventor	Mario Spatafora
	Art Unit	3721
	Examiner Name	H. Desai
Total Number of Pages In This Submission	Attorney Docket Number	20022/38497A

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request to Withdraw Finality of Rejection.
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MARSHALL, GERSTEIN & BORUN LLP		
Signature			
Printed name	Russell C. Petersen		
Date	February 28, 2005	Reg. No.	53,457

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. 703-872-9306, on the date shown below.	
Dated: February 28, 2005	Signature:  (Russell C. Petersen)

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. 703-872-9306, on the date shown below.

Dated: February 28, 2005

Signature: 

(Russell C. Petersen)

Docket No.: 20022/38497A
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mario Spatafora

Application No.: 10/607,705

Confirmation No.: 7916

Filed: June 27, 2003

Art Unit: 3721

For: METHOD OF PRODUCING SOFT PACKETS
OF CIGARETTES

Examiner: H. Desai

RECEIVED
CENTRAL FAX CENTER
FEB 28 2005

REQUEST TO WITHDRAW FINALITY OF REJECTION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated December 28, 2004, finally rejecting claims 26, 28 and 33-39, the applicants request withdrawal of finality of the office action. Please consider the following comments. This response is filed within two months of the final action.

Remarks/Arguments begin on page 2 of this paper.